

### **REMARKS**

Applicants have amended independent claim 65 to recite first and second substantially planar substrates carrying the first and second electrodes, and to recite that the first and second electrodes are each reticulated. Support for this amendment can be found in the specification, for example, on p. 15, lines 21-22, as well as Figs. 3A-3D, which illustrate reticulated electrodes that have a planar surface which can be disposed onto a planar substrate. Thus, no new matter has been added.

Applicants have also added dependent claim 165, which recites that at least one of the first substrate and the second substrate is a current collector. Support for this amendment can be found in the specification, for example, on p. 15, lines 25-28, as well as Figs. 3A-3D.

Claims 65-73, 77-88, 91-98, 129, 151, and 161-165 are now pending for examination.

#### Rejections of Claims 65-73, 77-88, 91-98, 129, 151 and 161-164 under 35 U.S.C. §112, ¶1

Claims 65-73, 77-88, 91-98, 129, 151, 161-164 have been rejected under 35 U.S.C. §112, ¶ 1 as lacking enabling specification support for “a bipolar device.” This appears to be a new ground of rejection, as previous office actions had indicated that a bipolar device was enabled.

Applicants respectfully disagree that the specification only enables batteries, and does not enable other electrical articles, such as bipolar devices. For example, Fig. 1 is described in the context of bipolar devices on page 6, line 29 to page 7, line 7. Similarly, on page 7, lines 19-25, the specification describes lithium ion bipolar devices, including lithium ion batteries, stating that “The description of such a lithium ion bipolar device is meant to be exemplary and the use of the various features and aspects of the present invention to other systems is considered to be within the scope of the present invention.” Those of ordinary skill in the art readily understand the scope and meaning of “bipolar device,” and a variety of devices within this description, which are enabled by the present invention. Examples include electrolytic capacitors, solid dielectric capacitors, fuel cell electrode assemblies, electrochromic displays, mirrors, windows, and bipolar diodes and transistors.

The Patent Office appears to be of the position that, if the examples of the specification are described in the context of only one device, i.e., a battery, then the entire disclosure,

including the claims, is limited to only that device, even if the rest of the specification also clearly discusses other devices, such as bipolar devices. It is respectfully submitted that enablement should not be considered only in the context of specific examples disclosed in the specification, but also in the context of the entire specification as filed. It is believed that an undue amount of experimentation is not required to use the teachings of the invention in bipolar devices such as lithium ion bipolar devices, as was discussed in the specification, and accordingly, it is believed that the specification provides reasonable enablement for a bipolar device.

Furthermore, it should be noted that the preambles should not be read as a limitation of the claims, but rather, the preambles merely state an intended use for these claims. In the currently pending claims, the articles described in the recitations of the claims, as set forth in the body of the claims, are intended to be used within various types of bipolar devices.

Accordingly, it is believed that the specification is enabling for a bipolar device, and it is respectfully requested that this rejection be withdrawn.

Rejections of Claims 65-71, 73, 77-85, 87, 91-98, 129, and 161-163 under 35 U.S.C. §103(a)

Claims 65-71, 73, 77-85, 87, 91-98, 129, and 161-163 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Yoon, *et al.*, U.S. Patent No. 6,495,283 (“Yoon”) in view of Bates, *et al.*, U.S. Patent No. 5,338,625 (“Bates”).

It is not seen where in Yoon is there a disclosure or a suggestion of a bipolar device including first and second substantially planar substrates carrying first and second reticulated electrodes, as is recited in independent claim 65, as amended. In Yoon, substrate 10 is formed by etching portions of an initial material to form a substrate having a plurality of trenches therein (Col. 3, line 24-37), which includes double trenches formed in perpendicular directions (Col. 4, lines 16-28; Fig. 5A). It is not seen how Yoon could be modified by using a planar substrate, as the use of a planar substrate with the methods of Yoon (thin film deposition methods, see Col. 3, lines 46-51) would not result in the formation of electrode trenches disclosed in Yoon, or the reticulation recited in the instant claims. Bates appears to be relied on only for size.

Accordingly, it is believed that the combination of Yoon and Bates does not render obvious independent claim 1, as amended, and it is respectfully requested that this rejection be withdrawn. The remaining claims each depend, directly or indirectly, from independent claim 65 and are believed to be allowable for at least the above-mentioned reasons. Withdrawal of the rejections of these claims is also respectfully requested.

### CONCLUSION

In view of the foregoing, it is believed the pending application is in condition for allowance. A notice to this effect is respectfully requested. If the Examiner believes, after this response, that the application is not in condition for allowance, the Examiner is requested to call the undersigned at the telephone number listed below.

If this response is not considered timely filed and if a request for an extension of time is otherwise absent, Applicant hereby requests any necessary extension of time. If there is a fee occasioned by this response, including an extension fee, that is not covered by an enclosed check, please charge Deposit Account No. 23/2825, under Order No. M0925.70108US00 from which the undersigned is authorized to draw.

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Respectfully submitted,

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